

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

**REBECCA FERGUSON,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-120  
(GROH)**

**JAMES JORDAN,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Currently pending before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 12. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of an R&R. On October 16, 2017, Magistrate Judge Trumble issued his R&R, recommending that this Court dismiss without prejudice the Plaintiff’s complaint and deny as moot her application to proceed without prepaying fees and motion to appoint counsel.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, this Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file objections in a timely manner constitutes a waiver of *de novo* review and a plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1)(C); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

In this case, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to Magistrate Judge Trumble's R&R were due within fourteen days after being served with a copy of the same. The R&R was sent to the Plaintiff by certified mail, return receipt requested, on October 16, 2017. ECF No. 12. Service was accepted by the Plaintiff on October 17, 2017. ECF No. 13. To date, no objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon consideration, the Court finds that it is without jurisdiction to consider the Plaintiff's complaint because the Plaintiff invites this Court to review and reject the judgment of the West Virginia Supreme Court of Appeals. Accordingly, Plaintiff's claims are barred by the Rooker-Feldman Doctrine.

Therefore, upon review, and finding no error, the Court **ORDERS** Magistrate Judge Trumble's Report and Recommendation [ECF No. 12] be **ADOPTED** for the reasons more fully stated therein. The Court hereby **ORDERS** that the Plaintiff's complaint [ECF No. 1] be **DISMISSED WITHOUT PREJUDICE**. The Plaintiff's application to proceed without prepayment of fees [ECF No. 2] and motion to appoint counsel [ECF No. 5] are **DENIED AS MOOT**.

The Court **DIRECTS** the Clerk to strike this case from the active docket and transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested.

**DATED:** November 8, 2017



GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE